

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LLOYD NEIL POPE,)
)
Plaintiff,)
)
vs.) Case No. CIV-07-1331-F
)
EDWIN CARNS, M.D., et al.,)
)
Defendants.)

ORDER

Plaintiff is a state prisoner appearing *pro se*, who brings this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights. Plaintiff's pleadings are liberally construed.

The Report and Recommendation of Magistrate Judge Doyle W. Argo (doc. no. 89) is before the court. The Report addresses four motions: "Special Appearance and Motion to Dismiss for Lack of Subject Matter Jurisdiction" by Dr. Steven Magness (doc. no. 81); Plaintiff's "Motion Requesting Default Judgment on Dr. Steven Magness" (doc. no. 82); Plaintiff's "Motion for Appointment of Counsel" (doc. no. 84); and plaintiff's "Motion for Status Report" (doc. no. 87). Plaintiff filed an objection to the Report on April 8, 2009 (doc. no. 90), and filed a supplemental objection to the Report on May 12, 2009 (doc. no. 92), both of which have been carefully reviewed and considered.¹

The court has reviewed all objected to matters *de novo*. Having concluded that review, and after careful consideration of plaintiff's objections, the record, and the

¹The supplemental objection was invited by the court because plaintiff's original objection stated that he had not received a copy of the "Special Appearance and Motion to Dismiss" of Dr. Magness. *See*, Order, doc. no. 91.

relevant authorities, the court finds that it agrees with the Report of the Magistrate Judge and further finds that no purpose would be served by stating any additional analysis here.

Accordingly, plaintiff's objections to the Report and Recommendation of Magistrate Judge Argo are **DENIED** (doc. nos. 90, 92), and the Report and Recommendation (doc. no. 89) is **ACCEPTED, ADOPTED** and **AFFIRMED** in its entirety. Dr. Steven Magness's "Special Appearance and Motion to Dismiss for Lack of Subject Matter Jurisdiction" (doc. no. 81) is **GRANTED**, and plaintiff's "Motion Requesting Default Judgment on Dr. Steven Magness" (doc. no. 82) is **DENIED**. (Plaintiff's "Motion for Appointment of Counsel" (doc. no. 84), and plaintiff's "Motion for Status Report" (doc. no. 87) were denied by Magistrate Judge Doyle W. Argo.) This order does not dispose of all of the issues referred to the Magistrate Judge, and this matter remains referred to the Magistrate Judge.

Dated this 9th day of June, 2009.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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